

**Notice of Allowability**

Application No.

10/761,657

Applicant(s)

FANG ET AL.

Examiner

Christy L. Novacek

Art Unit

2822

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed August 30, 2006.
2. ☒ The allowed claim(s) is/are 1,3-18,20 and 33-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

This office action is in response to the amendment filed August 30, 2006.

#### ***Response to Amendment***

The limitations added to claims 1, 11, 33 and 37 are sufficient to overcome the Uchiyama (US 6,603,162), Yu (US 5,911,110) and admitted prior art references either alone or in combination. Therefore, the rejections of claims 1, 3-18, 20 and 33-40 under 35 U.S.C. 103(a) are hereby withdrawn.

#### ***Allowable Subject Matter***

Claims 1, 3-18, 20 and 33-40 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reasons for the allowance of claims 1 and 3-10 is the inclusion therein, in combination as currently claimed, of the limitations of forming first patterned portions of a resist layer overlying active area trenches and forming second patterned portions of the resist between the active and inactive area trenches, wherein the first and second patterned resist portions are formed separately from one another. These limitations were found in claims 1 and 3-10 and are neither disclosed nor taught by the prior art of record, alone or in combination.

The primary reasons for the allowance of claims 11-18 and 20 is the inclusion therein, in combination as currently claimed, of the limitations of forming first patterned portions of a resist overlying the active area, forming an unpatterned portion overlying the inactive area, and lithographically patterning the resist to form second patterned portions disposed between the active and inactive area by using a second mask inserted between the process wafer surface and a

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first mask having an image of the first patterned portions. These limitations were found in claims 11-18 and 20 and are neither disclosed nor taught by the prior art of record, alone or in combination.

The primary reasons for the allowance of claims 33-36 is the inclusion therein, in combination as currently claimed, of the limitations of forming first patterned portions of a resist between active and inactive area trenches using a first mask, then forming second patterned portions of a resist between the active and inactive areas using a second mask. These limitations were found in claims 33-36 and are neither disclosed nor taught by the prior art of record, alone or in combination.

The primary reasons for the allowance of claims 37-40 is the inclusion therein, in combination as currently claimed, of the limitations of forming first patterned portions of a resist overlying the active area, forming an unpatterned portion of the resist overlying the inactive area, forming second patterned portions of a resist between the active and inactive area trenches, wherein the first and second patterned portions are formed separately using first and second masks. These limitations were found in claims 37-40 and are neither disclosed nor taught by the prior art of record, alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

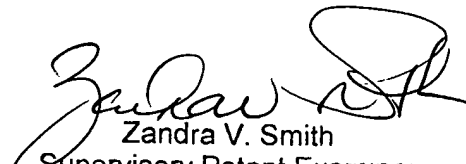
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy L. Novacek whose telephone number is (571) 272-1839. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on (571) 272-2429. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLN  
September 13, 2006

  
Zandra V. Smith  
Supervisory Patent Examiner:  
14 Sept 2006